

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	SOLICITOR APR 22 2008 REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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U.S. PATENT & TRADEMARK OFFICE

In Compliance with 35 U.S.C. § 290 and/or 35 U.S.C. § 1110 you are hereby advised that a court action has been filed in the U.S. District Court - Eastern District of Arkansas on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 4:07CV00602SWW	DATE FILED 6/29/2007	U.S. DISTRICT COURT Eastern District of Arkansas
PLAINTIFF MidSouth Metal Products, Inc.		DEFENDANT O.D. Funk Manufacturing, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 6,279,289	8/28/2001	MidSouth Metal Products, Inc.
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <i>4/10/08 - Consent</i>
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CLERK JAMES W. MCCORMACK	(BY) DEPUTY CLERK <i>Kicki Turner</i>	DATE <i>4/17/08</i>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MIDSOUTH METAL PRODUCTS, INC.)

Plaintiff,)

vs.)

O.D. FUNK MANUFACTURING, INC.,)

Defendant.)

Civil Action No. 4:07-cv-00602 SWW

CONSENT PERMANENT INJUNCTION AND FINAL JUDGMENT

The parties have compromised and settled all differences heretofore existing between them, and as part of that settlement, the parties have agreed to the entry of this Consent Permanent Injunction and Final Judgment.

Accordingly, it is ORDERED:

1. The Court has jurisdiction over the subject matter and the parties.
2. Plaintiff, MidSouth Metal Products, Inc. ("Plaintiff"), owns all right, title and interest in and to U.S. Patent 6,279,289, which is entitled "Metal Framing System" (the "Patent") and is in full force and effect.
3. Plaintiff has alleged in the Complaint filed herein that certain of Defendant's, O.D. Funk Manufacturing, Inc. ("Defendant"), products, consisting of four-sided

metal tubing with reduced ends, infringe the Patent. Said products (the "Accused Products") are identified in Exhibit 1 hereto, which is made a part hereof for all purposes.

4. Defendant, its officers, directors, agents, servants and employees and those persons in active concert or participation with them who receive actual notice of this order be, and they hereby are, permanently enjoined from directly or indirectly making, using, offering to sell, selling or importing into the United States: (a) the Accused Products, (b) any product comprised of four-sided metal tubing with reduced ends used for framing any of the structures disclosed in the subsisting claims in the Patent, and (c) any other products which infringe the Patent literally or under the doctrine of equivalents. This injunction shall remain in effect until the expiration of the Patent.
5. The Court shall retain jurisdiction over this matter and the parties for purposes of enforcement of the permanent injunction provisions of this Consent Permanent Injunction and Final Judgment.
6. All claims and defenses set forth in the Complaint and the Answer and Counterclaim to the Complaint are hereby dismissed with prejudice, with each party to bear its respective costs and attorneys' fees.

IT IS SO ORDERED this 10th day of April, 2008.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

CONSENTED TO AND APPROVED BY,

s/ Adam S. Baldridge

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s/ Cyril Hollingsworth by Adam S. Baldridge
with permission

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